

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

APR - 7 2006

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALAIN BETHUNE and SOPHIE H. VAYRETTE

Application No. 09/506,795

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 22, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On March 10, 2006, appellants filed a reply brief in response to the examiner's answer mailed January 17, 2006. However, there is no indication on the record whether or not the examiner has responded to the reply brief. Section 1208.03 of the Manual of Patent Examining Procedure (8th ed., Aug. 2001) states:

Application No. 09/506,795

[A]ppellant may file a reply brief as a matter of right within 2 months from the mailing date of the examiner's answer. . . . The primary must then either: (A) acknowledge receipt and entry of the reply brief by using form paragraph 12.47 on form PTOL-90; or (B) reopen prosecution to respond to the reply brief. See MPEP § 1208.02.

Accordingly, it is

ORDERED that this application be returned to the examiner to: 1) provide proper response to the reply brief filed March 10, 2006; and 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

Dale M. Shaw
Program and Resource Administrator
(571) 272-9797

cc: Finnegan, Henderson, Farabow,
Garrett & Dunner
901 New York Avenue, NW
Washington, DC 20001-4413

DMS/tdl